

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JARROW FORMULAS, INC.,	:	
Plaintiff,	:	
	:	
vs.	:	
	:	Civil No. 3:04CV535 (AVC)
CENTRE D'EXPERIMENTATION	:	
PYCNOGENOL SARL, ET AL.	:	
Defendants.	:	

**RULING ON THE DEFENDANT,
CENTRE D'EXPLOITATION DES PROCYANIDINES'S,
MOTION TO DISMISS (document no.47)**

This is an action for a declaratory judgment brought pursuant to 35 U.S.C. § 271. It arises out of Jarrow Formulas, Inc.'s alleged infringement of Centre d'Exploitation des Procyanidines's¹ ("CEP") patent.

The defendant, CEP, has brought the within motion (document no.47) to dismiss pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure arguing that the court lacks subject matter jurisdiction and personal jurisdiction.

On May 18, 2005, however, the court granted CEP's other motion to dismiss for lack of a justiciable controversy. See document no.69. Accordingly, the within motion to dismiss (document no.47) is DENIED as moot.

¹ The complaint names Centre d'Experimentation Pycnogenol Sarl as a defendant in the action. However, Centre d'Experimentation Pycnogenol Sarl subsequently changed its name to Center d'Exploitation des Procyanidines.

It is so ordered this 24th day of August, 2005 at Hartford,
Connecticut.

/s/AVC

Alfred V. Covello
United States District Judge